

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

DEANDRE L. KING,

Petitioner,

Case Number: 5:11-CV-13621

v.

HON. JOHN CORBETT O'MEARA

STEVE RIVARD,

Respondent.

ORDER DENYING PETITIONER'S MOTION TO COMPEL DISCOVERY

Petitioner Deandre L. King has filed a *pro se* petition for a writ of habeas corpus, challenging his convictions for second-degree murder, assault with intent to murder, discharging a firearm in an occupied dwelling, receiving and concealing a stolen firearm, and felony firearm. Now before the Court is Petitioner's Motion to Compel Discovery.

Petitioner seeks discovery of several documents, including evidence technician reports, medical examiner reports, the prosecution's witness list, and his own custodial statements. "Habeas petitioners have no right to automatic discovery." *Stanford v. Parker*, 266 F.3d 442, 460 (6th Cir. 2001). Rule 6(a) permits district courts to authorize discovery in habeas corpus proceedings "if and to the extent that, the judge in the exercise of his discretion and for good cause shown grants leave to do so." Rules Governing Section 2254 Cases in the United States District Courts, R. 6(a). "Rule 6 embodies the principle that a court must provide discovery in a habeas proceeding only 'where specific

allegations before the court show reason to believe that the petitioner may, if the facts are fully developed, be able to demonstrate that he is . . . entitled to relief.”” *Williams v. Bagley*, 380 F.3d 932, 975 (6th Cir. 2004), quoting *Bracy v. Gramley*, 520 U.S. 899, 908-09 (1997). “Rule 6 does not ‘sanction fishing expeditions based on a petitioner’s conclusory allegations.’” *Id.*, quoting *Rector v. Johnson*, 120 F.3d 551, 562 (5th Cir. 1997). The Rule 5 materials have not yet been filed in this matter. The Court is not persuaded of the necessity of production of the requested documents at this time and the motion is denied. If, after receiving the Rule 5 materials, the Court determines that discovery is warranted, the Court will reconsider Petitioner’s motion.

Accordingly, for the reasons stated, **IT IS ORDERED** that Petitioner’s Motion to Compel Discovery [dkt. #3] is **DENIED**.

s/John Corbett O’Meara
United States District Judge

Date: February 17, 2012

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, February 17, 2012, using the ECF system and/or ordinary mail.

s/William Barkholz
Case Manager